

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

John Staggers, Jr.,)	
)	
Plaintiff,)	
)	No. 4:13-cv-0057-RMG
vs.)	
)	ORDER
Florence County Sheriff's Office, Officer L.)	
Patton, Officer T. Singletary, Sergeant Eli,)	
Sergeant Jameson, Officer McGill, Nurse)	
McDougaly, Officer Audrey Thomas,)	
Officer Barr, Officer Pernell, Officer Reed,)	
Officer Eaddy, Officer Miles, Officer Wolf,)	
)	
Defendants.)	
)	
)	

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 42), recommending that Defendants' Motion for Summary Judgment be granted as to Plaintiff's federal causes of action and that the remaining gross negligence claim be remanded to state court. No party has filed objections to the R & R. For the reasons stated below, the Court **ADOPTS** the R & R in full. Accordingly, Defendants' Motion for Summary Judgment (Dkt. No. 17) is **GRANTED** as to Plaintiff's federal causes of action, and the remaining gross negligence claim is remanded to the Florence County Court of Common Pleas.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this

Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

Discussion

In his response to Defendants' summary judgment motion, Plaintiff dismissed all claims against Defendants Singletary, Jameson, Thomas, Barr, Pernell, Reed, Eaddy, Wolf and Miles and dismissed counts three and four against the Florence County Detention Center. (Dkt. No. 27-1). As to the remaining federal claims, the Court agrees with the Magistrate Judge that Plaintiff has not put forward evidence that Defendants were deliberately indifferent to a serious medical need. The evidence in the record is insufficient to show Plaintiff was suffering from a serious medical need that required treatment at the time he arrived at the Florence County Detention Center. He also received medical attention when he requested it. The Court also agrees that Plaintiff has failed to create a genuine issue of fact as to whether Defendants were deliberately indifferent to his safety. He has not put forward evidence that Defendants were aware of a substantial risk of harm to Plaintiff. Therefore, the Court grants Defendants' motion for summary judgment as to Plaintiff's federal claims.

Plaintiff also asserts a state law cause of action for gross negligence. The Court declines jurisdiction over this claim pursuant to 28 U.S.C. § 1367(c), and remands the claim to state court.

Conclusion

The Court **ADOPTS** the R & R in full. Accordingly, Defendants' Motion for Summary Judgment (Dkt. No. 17) is **GRANTED** as to Plaintiff's federal causes of action, and the remaining gross negligence claim is remanded to the Florence County Court of Common Pleas.

IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

May 13, 2014
Charleston, South Carolina